

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

**CASE NO. 22-CV-22538-ALTMAN/REID**

PIERCE ROBERTSON, *et al.*,

Plaintiffs,

v.

MARK CUBAN, *et al.*,

Defendants.

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**DEFENDANTS' UNOPPOSED JOINT MOTION FOR LEAVE TO ENLARGE THE  
PAGE LIMIT GOVERNING DEFENDANTS' OMNIBUS REPLY IN FURTHER  
SUPPORT OF THEIR RULE 12(b) MOTION AND IN RESPONSE TO PLAINTIFFS'  
SECOND AMENDED CLASS ACTION COMPLAINT**

Defendants MARK CUBAN and DALLAS BASKETBALL LIMITED d/b/a DALLAS MAVERICKS, ROBERT GRONKOWSKI, and VICTOR OLADIPO, (“Defendants”), move for an enlargement of 5 pages to the 10-page limit governing their Reply in further support of Defendants’ Omnibus Motion to Dismiss the Second Amended Complaint and Incorporated Memorandum of Law (ECF No. 189, “Omnibus MTD”). In other words, Defendants move for permission to file **a Joint Reply of no more than 15 pages**. Plaintiffs do not oppose the requested relief. As grounds therefor, Defendants state as follows:

1. This Court previously granted Defendants’ request to file a 35-page Memorandum in support of the Omnibus MTD (ECF No. 185), and Plaintiffs’ unopposed motion for a reciprocal 15-page enlargement of the page limit for their Response (ECF No. 194). Plaintiffs filed a 35-page opposition to the Omnibus MTD (ECF No. 195).

2. The Omnibus MTD asserts that dismissal is required, as the Second Amended Complaint (“SAC”) suffers from numerous legal and procedural defects. The Omnibus MTD addresses all of the fatal jurisdictional and substantive flaws associated with Plaintiffs’ SAC, the latter of which requires analysis of eleven disparate state consumer fraud or deceptive trade practices statutes and eleven different state securities statutes, as well as the case law interpreting these statutes.

3. The complexity of the legal arguments associated with the jurisdictional and various other grounds under Rule 12(b) for dismissal, as well as the sheer multitude of allegations, complex issues, and claims asserted under the laws of eleven different jurisdictions in Plaintiffs’ SAC warrant the requested enlargement of the page limit. *See Vorsteg v. U.S.*, No. 11–61160, 2011 WL 5169353, at \*2 (S.D. Fla. Nov. 1, 2011) (“enlarging the number of allowed pages from 20 to 30”); *see also Saginaw Chippewa Indian Tribe of Michigan v. Granholm*, No. 05–10296, 2010 WL 2231907, at \*1 (E.D. Mich. June 3, 2010) (preemptively extending page limits for dispositive motions where they were “likely to involve complex issues and analysis”); *Frederick v. Federal-Mogul, Inc.*, No. 06-11549-BC, 2008 WL 4372635, at \*3 (E.D. Mich. 2008) (granting request for permission to file a 34-page brief in support of motion to dismiss because the facts and “legal complexity of the issues may justify extending the page limits”).

4. This Motion is filed in good faith and not for any dilatory purpose, and Plaintiffs do not oppose this request.

5. For these reasons, Defendants respectfully request this Honorable Court to enter an order enlarging the limit for Defendants’ Joint Reply in further support of the Omnibus MTD by 5 pages, *i.e.*, for a single Reply of up to a total of 15 pages.

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Dated: November 28, 2023

Respectfully submitted,

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**LOCAL RULE 7.1(a)(3) CERTIFICATION**

I HEREBY CERTIFY that undersigned counsel have conferred via email and on a November 27, 2023 Zoom call with all parties who may be affected by the relief sought in this motion in a good faith effort to resolve the issues raised in the Motion and Plaintiffs do not oppose the requested relief.

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 28, 2023, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF. I ALSO CERTIFY that the foregoing document is being served this day on all counsel of record on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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